

ORIGINAL RECEIVED

WILLIAM J. PENNINGTON III

ATTORNEY AT LAW

JAN 27 1998

ADMITTED IN
SOUTH CAROLINA
NORTH CAROLINA

P.O. BOX 403
WESTFIELD, MA 01086-0403

TELEPHONE: (413) 562-3341
FACSIMILE: (413) 572-1385

Federal Communications Commission
Office of Secretary

PRACTICE LIMITED TO
MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

January 27, 1998

VIA COURIER

DOCKET FILE COPY ORIGINAL

Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

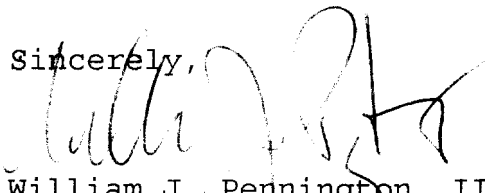
RE: Reply Comments in MM Docket No. 97-233; RM-9162
(East Brewton, Alabama and Navarre, Florida)

Dear Ms. Salas:

Transmitted herewith, on behalf of 550-AM, is an original and four (4) copies of their Reply Comments in the above-captioned rule making proceeding.

Any questions regarding this matter should be addressed to the undersigned.

Sincerely,


William J. Pennington, III
COUNSEL TO 550-AM

WJP/klm
Enc.

No. of Copies rec'd 043
List ABCDE

RECEIVED

JAN 27 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION

Federal Communications Commission
Office of Secretary

Washington, DC 20554

In the Matter of:

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(East Brewton, Alabama and
Navarre, Florida)

)
)
) MM Docket No. 97-233
) RM-9162
)
)

REPLY COMMENTS
OF
550-AM

550-AM

William J. Pennington, III
Attorney at Law (NC & SC BARS ONLY)
Post Office Box 403
Westfield, MA 01086
(413) 562-3341

Its Attorney

January 27, 1998

TABLE OF CONTENTS

	<u>Page</u>
Summary.....	ii
I. Background.....	1
II. Root's Comments Were Untimely Served and Should be Summarily Dismissed.....	2
III. Petitioner Had Intent To Construct Station at East Brewton.....	3
IV. Regardless of Root's Untimely Service Navarre has All Indicia Needed For a Channel Allotment.....	4
V. The Cases Cited by Root Are Not Analogous With the Issues Surrounding the Channel Allotment to Navarre.....	11
VI. Commission Case Precedent Supports the Allotment of the FM Channel to Navarre.....	13
VII. Root Has Had Ample Opportunity to Maximize Its Facilities and Can Not Now "Reserve" Spectrum Space.....	14
VIII. Continuing Interest.....	16
IX. Conclusion.....	16

SUMMARY

550-AM proposes the substitution of Channel 239C3 for Channel 239A at East Brewton, Alabama, the reallocation of Channel 239C3 to Navarre, Florida, and the modification of its construction permit for Station WGCX(FM) to specify operation on Channel 239C3 at Navarre.

The reallocation of Channel 239C3 to Navarre would allow for the institution of a first aural service in a growing community and greatly increase the number of persons that Station WGCX(FM) would serve.

Root Communications Group, LP ("Root") avers that Navarre does not meet the Commission's criteria for channel allocation and furthermore the allocation of Channel 239C3 would hamper the ability to maximize the Class C2 facilities of Station WRBA(FM) at Springfield, Florida, of which they are the licensee.

Root's comments in this proceeding must be summarily dismissed without being given consideration as they were not timely served on counsel for 550-AM, being mailed a full two days after the date certified on the certificate of service attached to their pleading.

Navarre, a growing community along the Gulf Coast, clearly has all of the requisite indicia outlined in Commission case law for a channel allocation.

Furthermore, Root has no right to "reserve" a certain designated land area on which to locate an antenna site that would

maximize Station WRBA(FM), and by doing so deny Station WGCX(FM) the right to upgrade its facilities and provide additional service.

Therefore, the changes to the FM Table of Allotments sought by 550-AM can be adopted and Station WGCX(FM) allowed to upgrade its facilities and change communities of license to Navarre, Florida.

RECEIVED

JAN 27 1998

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 97-233
Table of Allotments) RM-9162
FM Broadcast Stations)
(East Brewton, Alabama and)
Navarre, Florida)

Directed to: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY COMMENTS OF 550-AM

550-AM (hereinafter "Petitioner"), through counsel, hereby submits its Reply Comments in the above-captioned rule making proceeding. The Petitioner, permittee of Station WGCX(FM) at East Brewton, Alabama, seeks to amend the FM Table of Allotments by substituting Channel 239C3 for Channel 239A at East Brewton and the reallocation of Channel 239C3 to Navarre, Florida, and modification of its authorization accordingly so to provide that community with a much needed first local aural service. In support whereof the following is shown:

I.
Background

1. The Petitioner incorporates by reference all of the information submitted with its Comments in this proceeding.

2. Root Communications Group, LP (hereinafter "Root")

submitted comments in this proceeding objecting to the substitution of Channel 239C3 for Channel 239A at East Brewton, reallocation of Channel 239C3 to Navarre and modification of the construction permit for Station WGCX(FM). Root suggested that Navarre is not a licensable community and sought to present Commission case precedent to back their position. Additionally, Root stated that the allocation of Channel 239C3 to Navarre would hamper their ability to upgrade first adjacent channel Station WRBA(FM) at Springfield, Florida of which they are the licensee. Station WRBA(FM) presently is authorized for operation with 50.0 kilowatts at an antenna height of 282 feet above the average terrain. Root also vaguely suggested that the Petitioner should not be allowed to change communities of license because the Petitioner has not constructed the new station at East Brewton and they have since filed an application seeking an extension in time to construct the facility.

II.

Root's Comments Were Untimely Served and Should Be Summarily Dismissed

3. Root's Comments in this proceeding should be rejected and not considered by the Commission due to inadequate service. It is clear that Root was required to serve counsel for Petitioner in a timely manner. In this proceeding comments were required to be received at the Commission on January 12, 1998. Root's Comments included a Certificate of Service which certifies that a copy of their Comments were served on petitioners counsel, via first class mail, on January 12, 1998. A copy of Root's Certificate of Service

is attached as Exhibit 1. Although the Certificate of Service attached to Root's filing claims that a copy was mail to the undersigned on January 12, 1998, Exhibit 2 is a copy of the envelope that accompanied that pleading and which clearly reflects that it was not mailed until January 14, 1998, a full two days after the due date scheduled by the *Notice of Proposed Rule Making* (NPRM) and specified in the Certificate of Service. For this reason alone, any of Root's filing including Comments and Reply Comments in this proceeding must be rejected. Being filed simultaneously with Petitioner's Reply Comments is a Motion To Dismiss Root's untimely filed Comments in this proceeding.

III.

Petitioner Had Intent To Construct Station at East Brewton

4. Root stated in its Comments that Petitioner, when it purchased Station WGCX(FM), certified that the station would be constructed in East Brewton. Attached hereto as Exhibit 1 is an affidavit from Michael Gliner, president and 50.0% shareholder of Petitioner, who states that before and after filing the application seeking the assignment of the construction permit for Station WGCX(FM), as well as for some time after the consummation of the transaction, that he had the intention of constructing the new station at East Brewton. Gliner states that it was brought to his attention in the summer of 1997 that the station could upgrade to Class C3 if it moved its community of license to Navarre. Moreover, the Petitioner feels the proposed facility upgrade and reallocation for Station WGCX(FM) are in the public interest as it

will provide a first local service to a quickly growing area in addition to providing service to more persons.

5. The extension application (FCC File No. BMPH-971121JD), the Petitioner's first, was filed as a result of the submission of the rule making petition in this proceeding. It would clearly not make any economic sense to construct a new station at one location when you have a pending request to move the facility some miles away. The Commission has made a policy of routinely granting extension requests where the station at issue is involved in a pending rule making proceeding such as the instant case.

IV.

Regardless of Root's Untimely Service Navarre Has All Indicia Needed For a Channel Allotment

6. Root states that Navarre is but part of an "area" which also encompasses the communities of Navarre Beach and Holley. Furthermore, Root submits that since there are no definite boundaries to the community of Navarre that the population estimate of 18,000 persons is but an estimate and for the area as a whole. It is clear that Root did not investigate these issues very well because there is a wealth of information available to the public which shows that the community of Navarre has a substantial population, much greater than can be attributed to the communities of Navarre Beach or Holley.

8. Attached hereto as Exhibit 4 is information from Santa Rosa County, Florida regarding the boundaries of voting precincts within the county and the number of registered voters who voted in the 1996 general election. Exhibit 4A is a chart which shows the

number of registered voters who voted in each individual precinct. The Petitioner, in their Comments, included a map which showed the relevant boundary of the community of Navarre. The boundaries outlined on that map included these precincts:

<u>PRECINCT</u>	<u># VOTING IN 1996 GENERAL ELECTION</u>
#34 Hidden Creek	2,765
#29 West Navarre	2,086
#26 East Navarre & Navarre Beach	4,327
#35 Biscayne Point	*2,303 (Registered) (10/97)

The number of registered voters, minus Biscayne Point, who voted in the 1996 general election in those four precincts total 9,178 persons. It is a known fact that only those persons 18 and over can register and in turn vote and all of those that are not of legal age can't vote. In addition, the Santa Rosa County Supervisor of Elections did not have the 1996 voting totals in the Biscayne Point Precinct. The total shown for that precinct is the number of registered voters by party affiliation as of October 1997. Thus, in those four precincts that make up the community of Navarre there are residing significantly more people who are shown to have voted in the 1996 general election. It must be noted that the community of Holley is located in its own voting precinct, Holley, which only had 737 persons vote in the 1996 general election. The community of Navarre Beach, just within the past few years, was added to the Navarre East precinct since so few registered voters lived in Navarre Beach. It is abundantly clear that Navarre has a significant population which dwarfs the communities of Navarre Beach and Holley.

9. Root sought to bring forth what it called "indicia

mitigating against a Commission finding that Navarre is a licensable community". Much of the information cited by Root is incorrect or has no relevance in this proceeding. In order to respond fully to each of Root's assertions, the Petitioner will address each individually.

(i) "The majority of literature about the area does not refer to Navarre but to the Navarre Beach area, which encompasses Navarre Beach, Navarre and Holley". Root stated in Footnote #10 of their Comments that their information "was gathered through discussions with the local chamber of commerce, the library branch and research on the Navarre area developed through the Internet." The Navarre Beach Area Chamber of Commerce has, as one of its prime objectives, the task of attracting tourists to the area in which it serves. The major reason why a person would want to visit the area on a vacation is to enjoy the beach. The community of Navarre Beach is located directly on the Gulf of Mexico. It is thus self evident that more tourists would likely become interested in the area as a vacation destination if the printed literature gave a special emphasis on "Navarre Beach". Even though Navarre Beach has the smallest number of residents of the three communities in question, it is the only one of the communities that lies directly on the beaches of the Gulf of Mexico, making it the focus of the chamber of commerce marketing. It must be noted that in the chamber of commerce membership list included in the Petitioner's Comments, 198 members of that group had addresses in the community of Navarre and most of that number had verifiable street address in the community

of Navarre, many on Navarre Parkway, the major thoroughfare through the community of Navarre.

(ii) "Navarre does not have its own post office and its Zip Code default is Gulf Breeze". Navarre does in fact have its own post office, a new large facility occupied in September of 1997. A picture of the new post office was included in the Petitioner's Comments and is again included herein as Exhibit 5. Navarre does have its own Zip Code, "32566". Mail sent to residents of Navarre is addressed to their street address in Navarre. A Zip Code default has no bearing on the indicia needed for a channel allotment.

(iii) "Navarre does not have any type of political structure, it does not have a mayor or town council". The Petitioner never stated that Navarre had a political structure, mayor or town council. The Petitioner has proved clearly that the community of Navarre has more than adequate indicia to warrant a channel allotment despite it not being an incorporated entity.

(iv) "Navarre does not impose its own taxes, rather taxes are imposed by Santa Rosa County". The Petitioner never stated that Navarre imposed its own taxes. It speaks for itself that Navarre, being a nonincorporated community, has no power to tax its residents.

(v) "Navarre residents work primarily in Milton, Pensacola, Fort Walton Beach and Mary Esther". Root has not provided any material to substantiate this assertion. In fact, the sheer number of commercial and retail establishments that are located in Navarre provides proof that a significant number of persons work in

Navarre. The Petitioner does not dispute the fact that some of the Navarre residents work elsewhere, but that is commonplace in any other community as well. Additionally, a number of retired persons live in Navarre and do not work at all.

(vi) "Navarre's schools are part of the Santa Rosa County School system and three of the four schools are named "Holley Navarre". The fact that the schools located in Navarre are part of the county system has no bearing on the indicia needed for channel allotment. Many large towns have schools located within their boundaries that are part of a county wide system. This fact is due to consolidation and efforts to save taxpayers money. The name of the individual schools have absolutely no bearing on Navarre's eligibility for channel allotment. It should be noted though and is very pertinent to this issue that, as shown on Exhibit 6, four schools are located within the community of Navarre. Neither Navarre Beach or Holley have schools located in their respective community.

(vii) "Navarre does not have its own police force; police protection is provided by Santa Rosa County". Not being an incorporated entity, Navarre can not exercise police power. The Santa Rosa County Sheriff's Department operates a substation in Navarre. Neither Navarre Beach or Holley have a sheriff's substation located in their respective community.

(viii) "The two local phone exchanges serve both Holley and Navarre". The local phone exchanges and where they provide service have no bearing on proving or disproving the eligibility of a

community for channel allotment.

(ix) "Navarre has no government offices". Not being an incorporated entity, Navarre does not have a government, thus no local government offices. As stated above, Navarre does have a sheriff's substation. Local government offices are not a prerequisite for channel allotment.

(x) "Navarre has no civic organizations". Root's assertion here is wholly inaccurate. The community of Navarre has an Elks Club, Garden Club, Rotary Club as well as Friends of the Navarre Community Library, Navarre YMCA and the Navarre Youth Sports Association. A copy of this information, provided by the chamber of commerce, is shown in Exhibit 7.

(xi) "Trash collection is provided by three private companies". Who picks up the trash does not determine if a community is eligible for a channel allotment. Many incorporated communities have private trash pick up or contract trash pick up to a private entity.

(xii) "Water services are provided by either the Holley Navarre Water System or the Midway Water System." Residents in the community of Navarre receive water from the Holley-Navarre Water System. Navarre, not being an incorporated community, does not have the power to provide water. Many small incorporated communities receive water from a regional water authority. Where a community receives water does not determine if that community is eligible for a channel allotment

(xiii) "Navarre does not have its own hospital". Many

communities do not have a hospital. The existence of a hospital in a community does not determine if a community is eligible for a channel allotment. A hospital is though being constructed in Navarre. Navarre Family Medicine Center, Navarre Family Eye Care and Navarre Family Dentistry are presently located within Navarre. These medical and dental facilities are members of the chamber of commerce and shown on the chamber's membership listed provided in the Petitioner's Comments.

(xiv) "Navarre has no museums, movie theaters or any other form of entertainment". Root's assertion is wholly inaccurate. There are many forms of entertainment found in Navarre. They include Hidden Creek Golf Course, Navarre Nature Walk, the Bill Pulliam Sports Complex as well as parks within the community of Navarre.

(xv) The library is part of the West Coast Regional Library System". Many communities and small incorporated towns do not "own" libraries located within their boundaries. Most libraries are owned and operated by the county in which they are located or part of some regional consortium, as is the case for the Navarre Library. The fact remains that the library is located in the community of Navarre.

10. It must also be noted that Navarre has two local newspapers, "Navarre News" and "Navarre Sun". Portions of the "Navarre Sun", including the masthead of a recent edition are attached hereto as Exhibit 8. The "Navarre Sun" is published weekly.

11. The community of Navarre has no fewer than seventy-four housing subdivisions. Attached hereto as Exhibit 9 is a copy of the Navarre map which includes the name of those subdivisions.

12. Root's assertion that Navarre is but part of an area is incorrect. The community of Navarre is by far the largest community within the area and dwarfs both Holley and Navarre. This is seen clearly on Exhibit 10, a map showing all three communities. The community of Holley is surrounded by East Bay to the west, the boundaries of Eglin Air Force Base to the north and east and Navarre to the south. As can be seen in Exhibit 10, the community of Holley is small and can not grow. The same holds true for Navarre Beach. Navarre Beach is only three eighths of a mile wide and four miles long. The area to the south is bounded by the Gulf of Mexico, the east by Eglin Air Force Base, the west by Gulf Island National Seashore and the north by Santa Rosa Sound. As with Holley, Navarre Beach is presently very small and has no room to grow. The overwhelming majority of the housing and commercial establishments and indicia that make up a community is located in the community of Navarre. Further proof of the size of the Navarre business community is shown in Exhibit 11, a copy of the page from the area telephone directory showing all the businesses whose name begins with the word "Navarre".

V.

The Cases Cited by Root Are Not Analogous
With the Issues Surrounding the Channel Allotment to Navarre

13. Root cited two Commission cases in an effort to show that Navarre did not have the indicia needed for the Commission to make

a channel allotment to the community. In *Hawthorne, Wisconsin*, MM Docket 97-180, DA 97-2471, (released December 5, 1997), the Commission determined that the community did not have the requisite indicia needed for a channel allotment. It should be noted that only 100 persons were attributed to the community of Hawthorne. Furthermore, the proponent stated that the community of Hawthorne had only a laundromat, restaurant/bar, forest products store, gas station/convenience store and a used car lot as businesses. The community of Hawthorne was credited with two churches, a town clerk, volunteer fire department, post office and zip code. It is ridiculous to equate Hawthorne, Wisconsin with the community of Navarre. The information provided by the Petitioner in this pleading, along with that previously filed in Comments, shows that Navarre has a significant population, thriving business community and the related indicia needed for a channel allotment. In *Amelia, Louisiana*, 12 FCC Rcd 13930 (1997) The Commission did not allot a channel to that community because it found the information provided by the proponent to be "insufficient" to affirmatively find that Amelia was a "community" for allotment purposes. The proponent in that case, although claiming that there was commercial activity in the community, did not specifically identify any business or organizations which identify themselves with Amelia. The Petitioner in the instant case has shown abundant evidence of the indicia needed for the requested channel allotment to the community of Navarre. Thus, *Amelia, Louisiana* is easily distinguished from the instant case. Copies of the Commission's

Report and Order's in *Hawthorne, Wisconsin* and *Amelia, Louisiana* are attached as Exhibit 12.

VI.

Commission Case Precedent Supports the Allotment of the FM Channel to Navarre

14. The controlling case used in showing what indicia is needed for channel allotment to an unincorporated community is *Kenansville, Florida*, 5 FCC Rcd 2663 (1990), aff'd 10 FCC Rcd 9831 (1995). "In *Kenansville*, evidence was provided demonstrating the existence of seven civic organizations and over 30 businesses which provided support for a finding that the residents of *Kenansville* conceived of themselves as a community." See *Hayfield, Virginia*, MM Docket 97-68, RM 8999 (released October 17, 1997). The Petitioner has shown that located within the community of *Navarre* there are no fewer than 198 businesses listed as members of the local chamber of commerce. The majority of those 198 businesses have street addresses on *Navarre Parkway*, the major thoroughfare running through the community of *Navarre*. A copy of the Commission's Report and Order in *Hayfield, Virginia* is attached hereto as Exhibit 13.

15. The Commission in *Deerfield, Missouri*, MM Docket 97-111, RM-9052 (released August 22, 1997) made a new channel allotment to *Deerfield, Missouri* based on the proponent reporting that the community had three churches, an active 4-H Club as well as another club for young people. In addition, the proponent provided information that *Deerfield* had but a small business community. In this instance the Commission found an identifiable population

grouping with businesses that identify themselves with the residents of Deerfield. In the instant case, the Petitioner has shown a the existence of a large number of local businesses that identify with Navarre, as well as civic, religious and social groups within the community. A copy of the Report and Order in *Deerfield, Missouri* is attached hereto as Exhibit 14. It is clear that under Commission case precedent that the community of Navarre has all of the indicia needed for channel allotment.

VII.

Root Has Had Ample Opportunity to Maximize Its Facilities and Can Not Now "Reserve" Spectrum Space

16. It is clear that the basis for Root's objection is its desire to reserve a certain portion of land area of their own designation to allow for an increase in the facilities of their Station WRBA(FM) at Springfield, Florida. Station WRBA(FM) presently operates on Channel 240 with less than maximum Class C2 facilities (50.0 KW at 282 Feet HAAT). Attached hereto as Exhibit 15 is an FM channel spacing study from the present Station WRBA(FM) antenna coordinates which shows that there exists a 6.18 kilometer buffer between the proposed allocation coordinates at Navarre and the present Station WRBA(FM) antenna site. Included as part of Exhibit 15 is a map which shows that Station WRBA(FM) has area to the north, south and west to relocate its antenna site. In fact, under Section 73.215 of the Commission's Rules, Station WRBA(FM) can even short space the Navarre allocation coordinates and Station WHBX(FM) on Channel 241C2 at Tallahassee, Florida if it employs contour protection through utilization of a directional

antenna or a reduction of effective radiated power, height above average terrain or a combination of both power and antenna height. Furthermore, there exists a number of existing towers which could be used by Station WRBA(FM) to upgrade its facilities if operation were sought under Section 73.215 of the Commission's Rules. Thus, in no way is Root stymied in trying to maximize the facilities of Station WRBA(FM).

17. The Commission has not made a practice of reserving space for a station operating with less than maximum facilities to upgrade. Root had ample opportunity to locate a new antenna site to their liking and file an application seeking a construction permit for maximum class C2 facilities before the Petitioner submitted its rule making petition in this proceeding. The Petitioner and the public should not be penalized because Root sat on its rights to file an application before the rule making petition was filed.

18. Moreover, the Commission stated in *Benton, Arkansas*, 3 FCC Rcd 4840 (1988), recon. denied, 7 FCC Rcd 2555 (1992) that a first local aural service is generally preferred over a proposal to upgrade an existing facility. If the proponent for a channel upgrade is in conflict with a proposal for a new allotment, the upgrade proponent may demonstrate that its proposal should be preferred by providing a showing of need for the proposed increase in existing service. This could take the form of a comparison indicating which new areas are to be covered and the extent to which these areas are currently unserved or underserved. In the

absence of such a showing of need for the proposed increase in service, a conflicting new allotment would be favored since it represents a new service. *See Benton, Arkansas, supra.* Root has made no such showing. Even if a showing were made by Root, it would have to show that there was no other way that Station WRBA(FM) could maximize its facilities by changing its antenna site or utilizing Section 73.215 of the Commission's Rules.

VIII. Continuing Interest

19. Petitioner restates that if the Commission makes the requested changes in the FM Table of Allotments that it will immediately file an application seeking a modification of the outstanding construction permit, and if granted, immediately construct the new facilities for Station WGCX(FM).

IX. Conclusion

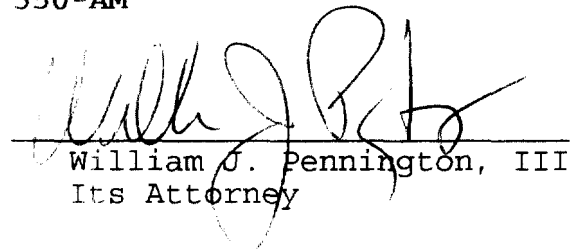
20. As demonstrated herein, the changes sought by the Petitioner in this proceeding must be adopted. First, Root failed to provide timely service to Petitioner's counsel and thus their comments in this proceeding must be summarily dismissed. Second, the Petitioner has shown through the production of overwhelming evidence that Navarre is a community with all of the requisite indicia needed for a channel allotment. Finally, the Commission can not allow Root to "reserve" an area of their liking for a potential upgrading of Station WRBA(FM) at Springfield, Florida. Root had ample time to submit an application seeking full Class C2 facilities for that station long before the Petitioner filed this

rule making seeking changes in the Table of Allotments.

WHEREFORE, in light of the foregoing, 550-AM, respectfully requests that the Commission substitute Channel 239C3 for channel 239A at East Brewton, Alabama and reallocate Channel 239C3 to Navarre, Florida and modify the outstanding construction permit of Station WCGX(FM) accordingly.

Respectfully submitted,

550-AM



William J. Pennington, III
Its Attorney

William J. Pennington, III
Attorney at Law (NC & SC BARS ONLY)
Post Office Box 403
Westfield, MA 01086
(413) 562-3341

January 27, 1998

EXHIBIT 1

CERTIFICATE OF SERVICE FROM ROOT'S COMMENTS

CERTIFICATE OF SERVICE

I, Nellie Martinez-Redicks, a secretary at the law firm of Arter & Hadden, hereby certify that the foregoing Comments on Notice of Proposed Rule Making has been sent, via first class mail on this 12th day of January, 1998 to the following:

William J. Pennington, III, Esq.
Post Office Box 403
Westfield, MA 01086
Counsel for 550-AM

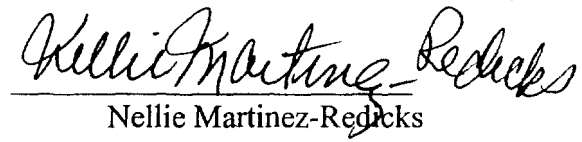

Nellie Martinez-Redicks

EXHIBIT 2

ENVELOPE FROM ARTER & HADDEN